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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,450	06/29/2001	Scott R. Shell	50037.14US01	9009

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EXAMINER

PARTON, KEVIN S

ART UNIT PAPER NUMBER

2153

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,450

Applicant(s)

SHELL ET AL.

Examiner

Kevin Parton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 20-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/18</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds the maximum allowed number of words. Correction is required. See MPEP § 608.01(b).

Election/Restrictions

3. Applicant's election without traverse of claims 1-7 and 20-36 in the reply filed on 11/17/2004 is acknowledged.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 and 20-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saad (USPN 6,721,558) in view of Maryka et al. (USPN 6,490,616).

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6. Regarding claim 1, Saad (USPN 6,721,558) teaches a device comprising:
- a. A router component configured to receive a query document including a query statement related to a setting stored on the device, the router component being further configured to pass at least a part of the query document to other components (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67).
 - b. A configuration service provider component associated with the setting and configured to access the setting (column 3, lines 26-32). Note that each hardware component on the cell station is queried separately, determines its settings, and replies.
 - c. A configuration manager component configured to receive the at least part of the query document and to identify the configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing (column 3, lines 23-31; column 4, line 65 – column 5, line 4).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device.

Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

7. Regarding claims 2 and 34, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 1 and 29, respectively. He further teaches means wherein the router component is configured to receive query documents from a plurality of push sources, each push source being configured to interact with an external initiator of the query document (figure 1; column 3, lines 28-30).

8. Regarding claims 3 and 35, although the system disclosed by Saad (USPN 6,721,558) (as applied to claims 2 and 34, respectively) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the initiator includes a provisioning server in wireless communication with the mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Saad (USPN 6,721,558) by putting the server in wireless communication with the remote device. This benefits the system by expanding the network size for the provisioning server. Please note that Saad (USPN 6,721,558) points out that the cell station are "remote" so wireless service would decrease the networking burden.

9. Regarding claims 4 and 36, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 2 and 34, respectively. He further teaches means wherein the initiator includes a provisioning server in wired communication with the mobile device (figure 1).

10. Regarding claim 5, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 1. He further teaches means wherein the configuration service provider is further configured to retrieve a current value of the setting from the device (column 3, lines 28-31).

11. Regarding claims 6 and 32, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 5 and 31, respectively. He further teaches means wherein the configuration manager is further configured to modify the query document based on the retrieved value of the setting (column 4, lines 32-36; column 5, lines 21-30).

12. Regarding claims 7 and 33, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 6 and 32, respectively. He further teaches means wherein the query statement within the modified query document is modified to include the retrieved value of the setting (column 5, lines 21-30).

13. Regarding claim 20, Saad (USPN 6,721,558) teaches a device with means for:
- a. Receiving a configuration message including a payload identifying a particular setting on the device (column 4, lines 60-65).
 - b. Parsing the configuration message to identify the particular setting stored on the device (column 4, lines 65-67).
 - c. Passing the payload to a configuration component responsible for maintaining the particular setting (column 5, lines 5-6).
 - d. Retrieving, by the configuration component, a value associated with the particular setting stored on the device (column 3, lines 31-32; column 5, lines 5-6).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device.

Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device

(i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

14. Regarding claim 21, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 20. He further teaches means for returning a response document to an initiator of the configuration message, the response document including the value for the particular setting (column 3, lines 31-33).

15. Regarding claims 22 and 26, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches means for identifying which configuration component is responsible for maintaining the particular setting and passing the payload to the identified configuration component (column 4, lines 65-67). Note that each separate component is responsible for its configuration information and is queried separately.

16. Regarding claims 23 and 27, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches a configuration manager programmed to manage a provisioning transaction (column 3, lines 23-31; column 4, line 65 – column 5, line 4).

17. Regarding claims 24 and 28, Saad (USPN 6,721,558) teaches all the limitations as applied to claims 20 and 25, respectively. He further teaches means wherein the configuration manager is responsible for maintaining the particular setting (column 3, lines 23-31; column 4, line 65 – column 5, line 4).

18. Regarding claim 25, Saad (USPN 6,721,558) teach a system for querying a setting on a device with means for:

- a. Receiving a configuration message from an initiator, the configuration message including a payload identifying a particular setting stored on the device (column 4, lines 60-64).
- b. Passing at least the payload to a configuration component responsible for maintaining the particular setting (column 4, lines 65-67; column 3, lines 24-26).
- c. Retrieving, by the configuration component, a value associated with the particular setting stored on the device (column 5, lines 5-6).
- d. Returning a response document to the initiator of the configuration message, the response document including the retrieved value for the particular setting (column 5, lines 6-7).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device.

Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

19. Regarding claim 29, Saad (USPN 6,721,558) teaches a device comprising:
- a. A router component configured to receive a query document including a query statement related to a setting stored on the device, the router component being further configured to pass at least a part of the query document to other components (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67).
 - b. A configuration manager component configured to receive the at least part of the query document and to identify the configuration service provider based on information within the query document, the configuration manager being further configured to pass the query statement to the configuration service provider for processing (column 3, lines 23-31; column 4, line 65 – column 5, line 4).

Although the system disclosed by Saad (USPN 6,721,558) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the device is a mobile device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Saad (USPN 6,721,558) as evidenced by Maryka et al. (USPN 6,490,616).

In an analogous art, Maryka et al. (USPN 6,490,616) discloses a system for interrogating and determining the configuration of a device wherein the device is a mobile device.

Given the teaching of Maryka et al. (USPN 6,490,616), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Saad (USPN 6,721,558) by employing it on a mobile device (i.e. the cell stations are mobile devices). The reference to Saad (USPN 6,721,558) communicates remotely with the cell stations. The system would benefit from this modification by allowing it to have a wider range and not be constrained to currently hardwired terminals.

20. Regarding claim 30, Saad (USPN 6,721,558) teaches all the limitations as applied to claim 29. He further teaches a configuration service provider component associated with the setting and configured to access the setting, wherein the configuration manager is further configured to identify the configuration service provider based on information within the query document, and to pass the at least part of the query to the configuration service provider for processing (column 2, lines 29-31; column 3, lines 23-26; column 4, lines 65-67).

21. Regarding claim 31, Saad (USPN 6,721,558) teaches all of the limitations as applied to claim 30. He further teaches means wherein the configuration service

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provider is further configured to retrieve a current value of the setting from the mobile device (column 5, lines 5-6).

Conclusion

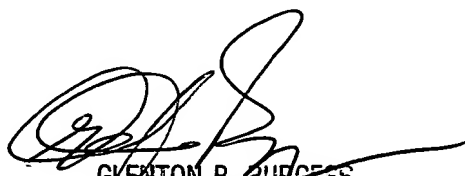
22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Blaszcak (USPN 6,615,255)
- b. Pasanen (USPN 6,587,450)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Kevin Parton
Examiner
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